

The Honorable Richard A. Jones

**UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE**

**UNITED STATES OF AMERICA,**

**Plaintiff,**

**v.**

**SHAWN STONE,**

**Defendant.**

**NO. CR 22-178 RAJ**

**SHAWN STONE'S  
DEFENSE SENTENCING  
MEMORANDUM**

**I. INTRODUCTION AND SUMMARY OF DEFENSE RECOMMENDATION**

180 MONTHS (15 YEAR) OF IMPRISONMENT

15 YEARS OF SUPERVISED RELEASE

RESTITUTION, TO BE DETERMINED.

SPECIAL ASSESSMENT: \$200

JVTA: \$0

AVAA: \$0

On January 16, 2024, Shawn Stone pled guilty to a Superseding Information charging one count of Production of Child Pornography in violation of Title 18, U.S. Code §§ 2251 (a) and (e), and one count of Possession of Child Pornography in violation of Title 18 United States Code, §§ 2252(a)(4)(B) and 2252(b)(2). He is before the Court for sentencing on these charges.

### **Calculation of Guidelines Range**

**Sentencing Factors. The Defense contends that the following Sentencing Guidelines provisions apply to this case:**

#### **A. Count I Production of Child Pornography in violation of Title 18, U.S. Code §§ 2251 (a) and (e). (MV 1 and MV 2)**

1. The base offense level for this offense is **32**, USSG §2G2.1(a).
2. The offense involved a minor who had attained the age of twelve years but not attained the age of twelve years, therefore increase by **4** levels. USSG §2G2.1(b)(1)(A).
3. The offense involved the commission of a sexual act or sexual contact, therefore increase by **2** levels. USSG §2G2.1(b)(2)(A).
4. The defendant knowingly engaged in distribution of the images, therefore increase by **2** levels. USSG §2G2.1(b)(3).
5. The defendant was a parent, relative, or legal guardian of a minor involved in the offense, or if the minor was otherwise in the custody, care, or supervisory control of the defendant. USSG §2G2.1(b)(5). In this case, MV-1 was Mr. Stone's cousin, therefore increase by **2** levels.
6. Adjusted Offense Level for Count I, MV1 and MV2(Subtotal) **42**

7.

#### **B. Count II Possession of Visual Depictions of Minors Engaged in Sexually**

**Explicit Conduct, as charged in Count 1, in violation of Title 18, United States Code, Sections 2252(a)(4)(B) and 2252(b)(2):**

1. The base offense level for this offense is **18**, pursuant to USSG §2G2.2(a)(1);

2. There is a **2** level increase for material involving a prepubescent minor or a minor who had not attained the age of 12, pursuant USSG §2G2.2(b)(2);
39. There is a **5** level increase if the defendant distributed in exchange for any valuable consideration, but not for pecuniary gain. USSG §2G2.2(b)(3)(B).
3. There is a **4** level increase for material that portrays sadistic or masochistic conduct or other depictions of violence or sexual abuse or exploitation of an infant or toddler, pursuant to USSG §2G2.2(b)(4);
4. There is a **5** level increase where the defendant engaged in a pattern of activity involving the sexual abuse or exploitation of a minor. USSG §2G2.2(b)(5).
5. There is a **2** level increase for use of a computer, pursuant to USSG §2G2.2(b)(6); and,
6. There is a **5** level increase for the offense involving over 600 images, pursuant to USSG §2G2.2(b)(7)(D).

Adjusted Offense Level (Subtotal) **41**

**Multiple Count Adjustment (USSG §3D1.4):**

Group/Count	Adjusted Offense Level	Units
Count 1	42	1.0
Count 2	42	1.0
Count 3	41	1.0
<b>Total Number of Units:</b>		<b>3.0</b>

**Greater of the Adjusted Offense Levels Above:** **42**

**Increase in Offense Level:** According to USSG §3D1.4, a total of 3 units results in an increase of 3 levels in the offense level. **3**

**Combined Adjusted Offense Level** **45**

**Chapter Four Enhancement:** None.

**Acceptance of Responsibility.** The defendant has demonstrated acceptance of responsibility for the offense. He has acknowledged his guilt and responsibility from his first contact with law enforcement. This reduces the offense level by **2** levels. USSG §3E1.1(a).

**-2**

**Acceptance of Responsibility:** The defendant has assisted authorities in the investigation or prosecution of the defendant's own misconduct by timely notifying authorities of the intention to enter a plea of guilty, reducing his offense level by **1** level. USSG §3E1.1(b). **-1**

**Total U.S.S.G. Level** **42**

## II. BASIS FOR RECOMMENDATION,

In August of 2019 Shawn Stone was an 18-year-old man, about to enter his senior year of high school. Shawn was a special education student in school, with a loving family who had given him a great deal of support and love as he grew up different from the other kids. During the summer of 2019 Shawn and his family traveled to Germany for an extended visit with family who lived there. Shawn was especially close to his grandmother and would look forward to these trips to see her and the rest of his family. During that trip in 2019 is when Mr. Stone used his phone to take and send sexually explicit photos of his young cousins on two occasions during that trip. He took those photos using Snapchat, an application that in theory allows the sender to post photos that disappear after a short time. But those images were not deleted and remained on Mr. Stone's phone until his arrest while coming back to the United State from another family trip to Germany in 2023. He sent those images that one time in 2019 and this is the only time he ever produced child sexual abuse images.

When Mr. Stone was arrested at Seatac Airport in 2023 he had in his possession a great number of child sexual abuse images, and other images were found on the devices in his home. Mr. Stone had begun looking at pornography at a very early age and was introduced to child sexual abuse images by an adult when he was 14 years old. At the time Mr. Stone was arrested he had amassed a significant collection of child sexual abuse images and videos, which he freely admitted he would use to trade for other materials with people he met online.

### Psychosexual Evaluation

Mr. Stone has been open about his sexual behavior issues since his first contact with law enforcement. He readily agreed to participate in a comprehensive psychosexual evaluation with

certified sex offender treatment provider Jason Bailey, M.A., CSOTP, resulting in a report dated October 13, 2023, that has been filed by the Defense with the Court and provided to Probation. That report concluded, "Based on the data included in this report, it is my opinion that Shawn demonstrated amenability to specialized sex offender treatment. He reported recognizing his sexual attraction to younger children since he was approximately 1 years old and began seeking images of nude children online. After discovering child sex abuse material at 14 years old, he began taking sexually children since he was approximately 1 years old and began seeking images of nude children online. After discovering child sex abuse material at 14 years old, he began taking sexually explicit images/video of himself and using them to solicit other child sex abuse material through online sexual chatting. Through the years, he became consumed by the trade and collection of child materials, and this behavior progressed to the point that he was willing to produce child sex abuse material with his two minor cousins, during which he engaged them in sexual contacts. During evaluation, Shawn consistently presented as open and disclosing. He acknowledged that sexualizing minors, engaging in sexual activity with minors, and viewing/trading/producing child sex abuse material is intrinsically wrong and illegal. He also acknowledged understanding that using child sex abuse material is not a victimless crime. Specialized sex offender treatment should be aimed at building his internal controls and improving/monitoring his dynamic risk factors, as these are primary and essential functions of treatment. Based on the information noted in this report, I find that Shawn demonstrated amenability to, and would benefit from, specialized sex offender treatment in the community as long as external controls are in place."

## **Risk Assessment**

Mr. Bailey conducted an actuarial risk assessment of Mr. Stone for future sexual misbehavior utilizing two empirically validated tools. Shawn's risk for sexual recidivism was assessed using the STABLE-2007 (to examine dynamic risk factors, relevant for community supervision) and the CPORT (to assess risk for child sex abuse material recidivism). Consideration of the factors identified by the STABLE-2007 and CPORT provide the basis for a general risk assessment for child sex abuse material offenders. using a structured clinical judgement framework. From the data, it appears that Shawn presents as a Moderate supervision priority. It is estimated that up to 7% of people with his CPORT score would be expected to recidivate with a child sex abuse material offense, and up to 11.1% would recidivate with any sexual recidivism. Mr. Bailey concluded, "Consideration of the factors identified by the STABLE-2007 and Child Pornography Offender Risk Tool (CPORT) do provide the basis for a general risk assessment for child sex abuse material offenders using a structured clinical judgement framework. From the data, it appears that Shawn presents as a Moderate supervision priority. It is estimated that up to 7% of people with his CPORT score would be expected to recidivate with a child sex abuse material offense, and up to 11.1% would recidivate with any sexual recidivism."

## **Sentencing Reform Act Considerations**

The paramount consideration of the Sentencing Reform Act is the so-called "parsimony clause," which requires that a sentence be "sufficient, but not greater than necessary" to achieve the objectives of sentencing. See *United States v. Chavez*, 611 F.3d 1006, 1009 (9th Cir. 2010) (quoting 18 U.S.C. § 3553(a)). In determining that sentence the Court is charged first with

1 considering the nature and circumstance of the offense as well as the history and characteristics  
2 of the defendant. 18 U.S.C. § 3553(a)(1).

3 **The Nature and Circumstances of the Offense.**

4 There is no question that Mr. Stone engaged in a pattern of deviant behavior that directly  
5 victimized two children. In addition, he had amassed a large collection of child sexual abuse  
6 materials and was actively engaged in the distribution of these images at the time of his arrest in  
7 2023. Mr. Stone acknowledges his behavior and is prepared to take responsibility for that  
8 behavior.

9 **The History and Characteristics of the Defendant.**

10 Based on the direction that courts should consider the personal history and characteristics  
11 of the defendant as a necessary sentencing factor, Congress plainly had in mind the “elementary  
12 principle of weighing the good with the bad, which is basic to all the great religions, moral  
13 philosophies, and systems of justice.” United States v. Adelson, 441 F. Supp. 2d 506, 514  
14 (S.D.N.Y. 2006).  
15

16 Shawn Stone always struggled in school due to learning disabilities and a later diagnosis of  
17 ADHD. His parents report that he did not speak in sentences until he was four years old. He was  
18 required to repeat kindergarten because he was not ready for first grade. In fifth grade Mr. Stone  
19 began receiving specially designed instruction (special education) in the areas of reading  
20 comprehension, math comprehension, writing and study skills in elementary school. He would  
21 have Individual Education Plans in several subjects throughout his time in school, qualifying for  
22 that time for special education services. In 2018 a comprehensive assessment of Mr. Stone was  
23 completed by Rogers High School in Puyallup, Washington to assess Mr. Stone’s ongoing need  
24 for special education services. Portions of that report are attached as Exhibit A. That assessment  
25



1 concluded that “Shawn continues to need specially designed instruction in the areas of reading,  
2 math, written expression, and study skills.”

3 In June of 2019 another comprehensive review of Mr. Stone’s educational needs was  
4 conducted by Rogers High School in Puyallup, Washington. Portions of that report are attached  
5 as Appendix B. Just one month before Mr. Stone traveled to Germany in 2019 that assessment  
6 concluded that Shawn continued to need Specially Designed Instruction in the areas on written  
7 expression, reading, math and study skills.”

8 His father, Chris Stone, has said, “his mental maturity wasn’t at the same level as his  
9 physical maturity.” His mother, Tina Stone, notes “Shawn was behind all the time in school, like,  
10 he was always two years older than everyone in his class, and I think even the younger kids in  
11 his class were more mature than him...They diagnosed him with ADHD in second grade.”

12 As a result of these challenges, Mr. Stone became withdrawn over the years and described  
13 himself as an “introvert.” His parents allowed him to have a lock on his bedroom door, where he  
14 had his own computer. They did not try to monitor his internet usage and were open in the home  
15 about sexuality. Mr. Stone describes his parents as “lenient,” a description they now regret.

16 Mr. Stone recognized the isolation and found a way to normalize it in his own mind. He  
17 reports, “I’ve pretty much been an introvert, I guess. I didn’t really go to any parties or social  
18 gatherings...I’m just an outcaste because I never did anything, never went to bars, clubs, or parks  
19 where you would typically meet people. I just stayed in my room...”

20 Shawn Stone did mature physically at an early age. He reports that he began masturbating  
21 regularly at age 11, when he also first discovered the world of internet pornography. For this  
22 isolated and immature young boy, the escape to the internet and the community of pornography  
23 users and creators he found, as if this were his community of peers. It started with intensity when  
24  
25



1 he was 14 years old, and he discovered that adult men would praise him and give him more  
2 pornography if he would expose himself and engage in sexual acts on a video camera for them.

3 It started on Omeagle, which describes itself as “the ultimate platform for refined online  
4 connections via free, spontaneous video chat.” Shawn remembers the first time this happened. A  
5 man invited him to chat. He then asked Mr. Stone to take off his shirt and pose. He then asked  
6 him to take of his pants, and then his underwear. Shawn gladly followed his instructions, doing  
7 what the man directed him to do. In return Mr. Stone received child sexual abuse images from  
8 this man in exchange for his show. This was the first time Shawn had seen child pornography.

9 In Shawn’s distorted world of internet porn, images and videos were currency. Shawn  
10 began to see his collection as just that—a collection of valuable items. Some of the images he  
11 used to gratify himself. Some he saved because he could use them to trade for other images and  
12 videos. The “marketplace” created in this dark world appealed to Shawn and his desire to have  
13 “fun.” On another 40 or more occasions over the next several years Shawn would allow adult  
14 men to direct him to engage in online sexual acts in exchange for images and videos. Each time  
15 that happened the adult was engaged in an act of Enticement, punishable by no less than 10 years  
16 in prison under 18 U.S. Code Section 2422. But nobody reported those men or caught those men,  
17 and nobody found and saved Shawn from the exploitation he was experiencing.

### 18 **Juvenile Brain Development**

19 Shawn Stone was legally an adult in August of 2019 when he took the photos that have  
20 led to this prosecution. But he was an immature adult with significant cognitive delays, and the  
21 literature regarding juvenile brain development and its consequences for decision-making and  
22 culpability make it clear that the brain is not “done” at age 18. The rational part of a teen’s brain  
23  
24

isn't fully developed and won't be until age 25 or so<sup>1</sup>. One of the key differences between adult and adolescent brains, is the lack of prefrontal cortex development in young brains. The prefrontal cortex controls humans' ability to:

- delay and reflect (the lack of development limits the amount of time juveniles will think before they act);
- take all options into account (juveniles are extremely impulsive);
- contemplate risks and consequences (sensation seeking is at an all-time high at mid-adolescence);
- have social intelligence (juveniles have difficulty being empathetic and are susceptible to peer pressure). (Kinscherff, 2022)<sup>2</sup>,

Adolescence is a time of increased risk taking, which can include illegal behavior. The normative neural, biological, and psychosocial changes that characterize adolescence are associated with increased risk-taking (Cavanagh, 2022)<sup>3</sup>. Compared to adults, adolescents are less able to consider the consequences of their actions, plan for the future, control their impulses, and regulate their emotions (Casey et al., 2022)<sup>4</sup>. Additionally, the adolescent brain is very

<sup>1</sup> University of Rochester Medical School, Health Encyclopedia, Understanding the Juvenile Brain, 2024, <https://www.urmc.rochester.edu/encyclopedia/content.aspx?ContentTypeID=1&ContentID=3051>

<sup>2</sup> Robert Kinscherff, senior administrator, and director of the concentration in Forensic Psychology in the doctoral clinical psychology program at William James College. Quoted in Healthy adolescent development and the juvenile justice system: Challenges and solutions, Caitlin Cavanagh, 07 July 2022, Open Source <https://doi.org/10.1111/cdep.12461>

<sup>3</sup> Healthy adolescent development and the juvenile justice system: Challenges and solutions, Caitlin Cavanagh, 07 July 2022, Open Source <https://doi.org/10.1111/cdep.12461>

<sup>4</sup> Casey, B. J., Simmons, C., Somerville, L. H., & Baskin-Sommers, A. (2022). Making the sentencing case: Psychological and neuroscientific evidence for expanding the age of youthful offenders. *Annual Review of Criminology*, 5(1), 321–343. <https://doi.org/10.1146/annurev-criminol-030920-113250>

1 sensitive to social rewards, easily emotionally aroused, and primed to seek new sensations  
 2 (Blakemore, 2012)<sup>5</sup>.

3 Sensation seeking may help youth develop an independent identity and discover the  
 4 world around them, but it also spurs them to take risks (Crone & Dahl, 2012)<sup>6</sup>. Risk taking by  
 5 itself is intrinsically rewarding to adolescents (Albert & Steinberg, 2011)<sup>7</sup>. The emotional highs  
 6 that the risk taking brings are what often drives their behavior.

7 Decades of research suggests that most youthful offenders desist from crime during  
 8 adulthood (Moffitt, 1993)<sup>8</sup>. For this reason, juvenile delinquency is more appropriately  
 9 considered a type of adolescent risk taking than a discrete form of antisocial behavior akin to  
 10 adult criminality (Steinberg, 2014)<sup>9</sup>.

11 Developmentally, youth have difficulty considering and anticipating the consequences of  
 12 their actions (Shulman et al., 2016)<sup>10</sup>. As a result of their developmental immaturity, adolescents  
 13 are not well equipped to understand the potential consequences of their crimes, so a punitive  
 14 approach is unlikely to deter delinquency (Lee et al., 2018). Youth are developmentally sensitive  
 15

16 <sup>5</sup> Blakemore, S. J. (2012). Development of the social brain in adolescence. *Journal of the Royal Society of*  
 17 *Medicine*, **105**(3), 111–116. <https://doi.org/10.1258/jrsm.2011.110221>

12 <sup>6</sup> Crone, E. A., & Dahl, R. E. (2012). Understanding adolescence as a period of social-affective engagement  
 13 and goal flexibility. *Nature Reviews Neuroscience*, **13**(9), 636–650. <https://doi.org/10.1038/nrn3313>

14 <sup>7</sup> Albert, D., & Steinberg, L. (2011). Judgment and decision making in adolescence. *Journal of Research on*  
 15 *Adolescence*, **21**(1), 211–224. <https://doi.org/10.1111/j.1532-7795.2010.00724.x>

16 <sup>8</sup> Moffitt, T. E. (1993). Adolescence-limited and life-course-persistent antisocial behavior: A developmental  
 17 taxonomy. *Psychological Review*, **100**(4), 674–701

18 <sup>9</sup> Steinberg, L. D. (2014). *Age of opportunity: Lessons from the new science of adolescence*. Houghton Mifflin  
 19 Harcourt.

20 <sup>10</sup> Shulman, E. P., Smith, A. R., Silva, K., Icenogle, G., Duell, N., Chein, J., & Steinberg, L. (2016). The dual  
 21 systems model: Review, reappraisal, and reaffirmation. *Developmental Cognitive*  
 22 *Neuroscience*, **17**(February), 103–117. <https://doi.org/10.1016/j.dcn.2015.12.010>

1 to rewards (Casey et al., 2022); expecting youth to flourish in a punishment-based system rather  
 2 than a reward-based system sets them up for failure.

3 The one force that does lead a youthful offender to desist from their impulsive and  
 4 harmful acts is the passage of time. An example of this phenomenon is the fact that Shawn Stone  
 5 took the photos at question while he was 18 years old, but when he returned to Germany is later  
 6 visits and had the same opportunity to offend against these children, he did nothing. He  
 7 explained to counsel that he knew that what he did in 2019 was a horrible mistake and he  
 8 resolved not to do anything like that again. And when the opportunity came, he did just that—  
 9 desisted from the prior criminal behavior.

10 **Section 3553 Factors, and the “need for the sentence imposed,” support a 180-month**  
 11 **sentence.**

12 Section 3553(a)(2) requires the Court to consider the “need for the sentence imposed,”  
 13 meaning, “(A) to reflect the seriousness of the offense, to promote respect for the law, and to  
 14 provide just punishment for the offense; (B) to afford adequate deterrence to criminal conduct;  
 15 (C) to protect the public from further crimes of the defendant; and (D) to provide the defendant  
 16 with needed educational or vocational training, medical care, or other correctional treatment in  
 17 the most effective manner.” 18 U.S.C. § 3553(a)(2).  
 18

19 **The Seriousness of the Offense, to Promote Respect for the Law and Provide Just**  
 20 **Punishment.**

21 There is no question that these are very serious offenses that have had a very harmful  
 22 impact on the minors involved. Mr. Stone recognizes that harm and truly regrets how his selfish  
 23 behavior impacted these innocent children. He also recognizes the importance of a severe  
 24 sanction for his behavior in order to promote respect for the law by him and others. He also  
 25

acknowledges that a long prison sentence for him is a just outcome that these minor victims and their families deserve.

### **Adequate Deterrence to Criminal Conduct.**

The interests of general deterrence will be served by a 15-year sentence. This is a substantial penalty that will serve as a strong caution to those who might consider engaging in this behavior. This sentence also sends a strong message about our society's determination to protect children.

Under the Section 3553 factors, punishment serves a deterrent function. The goal is to cause those considering committing an offense to consider the consequences of their actions before committing the crime and decide to refrain from that act instead. However, in 2019 when Shawn Stone committed the acts of Production, he was not a rational actor, and the idea of consequences would likely have had little effect on him. He was driven by risk-taking and sensation seeking behavior, not rational calculations. A focus on deterrence through punishment, rather than reward, is developmentally ineffective in deterring youthful behavior.

Developmentally, youth have difficulty considering the consequences of their actions and therefore refraining from impulsive bad decisions (Shulman et al., 2016)<sup>11</sup>. But because of their developmental immaturity, adolescents are not sufficiently equipped to understand all of the potential consequences of their crimes, or to consider those before acting. Therefore, a purely punitive approach is unlikely to deter delinquency in youth (Lee et al., 2018)<sup>12</sup>. Youth are

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<sup>11</sup> Shulman, E. P., Smith, A. R., Silva, K., Icenogle, G., Duell, N., Chein, J., & Steinberg, L. (2016). The dual systems model: Review, reappraisal, and reaffirmation. *Developmental Cognitive Neuroscience*, 17(February), 103–117. <https://doi.org/10.1016/j.dcn.2015.12.010>

<sup>12</sup> Lee, H., Sullivan, C. J., & Barnes, J. C. (2018). Maturity of judgment and perceptual deterrence. *Criminal Justice and Behavior*, 45(11), 1762–1781. <https://doi.org/10.1177/0093854818789723>

developmentally sensitive to rewards (Casey et al., 2022)<sup>13</sup>; expecting youth to flourish in a punishment-based system rather than a reward-based system sets them up for failure.

Further evidence that Mr. Stone has “aged out” of the harmful, illegal, and impulsive behavior that brings him before the court is contained in the results of his polygraph examination, conducted as part of his psychosexual evaluation. Mr. Bailey reports, “Shawn underwent a sexual history polygraph examination as part of this evaluation, and during the pre-polygraph interview, he reported the same information to the polygraph examiner as he did during clinical interviews. He responded “no” when asked the following relevant questions: “Have you had any unreported sexual contact with any minor more than two years younger than you?” and “Have you been involved in any unreported sexual contact that had you been caught you could have been arrested?” After scoring the polygraph charts, it was the examiner’s opinion that the physiological responses indicated Shawn answered the questions truthfully “no deception was indicated.” These findings act to corroborate that Shawn has had no unreported sexual contact with minors under 16 years old, and he has not engaged in any unreported illegal sexual contacts.”

### **Risk Assessment**

Another way of analyzing Shawn Stone’s ability to be deterred is to look at his risk for re-offense based upon the empirically validated actuarial risk assessment tools used by evaluator Jason Bailey in his psychosexual evaluation. Mr. Bailey used the STABEL-2007 to assess dynamic risk factors, and the Child Pornography Offender Risk Tool (CPORT) to assess Mr.

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<sup>13</sup> Casey, B. J., Simmons, C., Somerville, L. H., & Baskin-Sommers, A. (2022). Making the sentencing case: Psychological and neuroscientific evidence for expanding the age of youthful offenders. *Annual Review of Criminology*, 5(1), 321–343. <https://doi.org/10.1146/annurev-criminol-030920-113250>



Stone' risk for future re-offense. He concluded, "Shawn's risk for sexual recidivism was assessed using the STABLE-2007 (to examine dynamic risk factors, relevant for community supervision) and the CPORT (to assess risk for child sex abuse material recidivism). Consideration of the factors identified by the STABLE-2007 and CPORT provide the basis for a general risk assessment for child sex abuse material offenders. using a structured clinical judgement framework. From the data, it appears that Shawn presents as a Moderate supervision priority. It is estimated that up to 7% of people with his PORT score would be expected to recidivate with a child sex abuse material offense, and up to 11.1% would recidivate with any sexual recidivism."

#### **Support from Friends and Family**

Another factor which will help ensure that Shawn Stone does not reoffend is the strong support he will have in prison and when he is released from his family and friends. Those letters, along with two photos of Mr. Stone taken in 2019 when he was visiting Germany, are attached as Exhibit C.

#### **Protect the Public from Further Crimes of the defendant.**

The likelihood that a defendant "will engage in future criminal conduct [is] a central factor that district courts must assess when imposing sentence." *Pepper v. United States*, 131 S. Ct. 1229, 12242 (2011). As indicated above, Shawn Stone has already shown signs of growing up and desisting from this activity by refusing to commit the Production behavior after 2019 when he had a chance. We also know that juveniles who commit sex offenses age out of that behavior in most cases. The actuarial risk assessment tools employed in Shawn's evaluation further demonstrate his relatively low risk to the community. Surely a sentence of 180 months is more than sufficient to protect the community from Mr. Stone.



1           **Providing the defendant with needed education or vocational training, medical care,**  
 2           **or other correctional treatment in the most effective way.**

3           Mr. Stone has been evaluated as needing and wanting specialized sexual offender  
 4           treatment. He is very hopeful that this program will be available to him during his incarceration  
 5           as he is eager to engage in that treatment and learn as much as he can. Assuming those  
 6           opportunities are available, his risk upon release should be further reduced.

7           **Request for Court Recommendation Re: BOP Placement.**

8           Mr. Stone would appreciate it if the Court could recommend to the Bureau of Prisons that  
 9           he be housed at FCI Englewood, Colorado. This facility has a Sex Offender Management  
 10          Program and as such about 40 percent of the inmates have either a current or past sexual offense.  
 11          Mr. Stone is very interested in receiving treatment services at the earliest opportunity.

12          **III. Basis for Downward Departure.**

13          The Court should impose a sentence which is a significant downward departure from the  
 14          calculated Sentencing Guidelines Range in this case. Specifically, the Court should impose the  
 15          mandatory minimum of 180 months of imprisonment.  
 16

17          Mr. Stone has been convicted of offenses under Chapter 110 of the U.S. Code. The  
 18          factors the Court should consider in sentencing in cases involving child crimes and sexual abuse  
 19          cases are described in 18 U.S.C. Section 3553 (b)(2).

20          (2) Child crimes and sexual offenses.—

21          (A) [2] Sentencing.—In sentencing a defendant convicted of an offense under  
 22          section 1201 involving a minor victim, an offense under section 1591, or an  
 23          offense under chapter 71, 109A, 110, or 117, the court shall impose a sentence  
 24          of the kind, and within the range, referred to in subsection (a)(4) unless—

25          (i) the court finds that there exists an aggravating circumstance of a kind, or to  
         a degree, not adequately taken into consideration by the Sentencing  
         Commission in formulating the guidelines that should result in a sentence  
         greater than that described;

1 (ii) the court finds that there exists a mitigating circumstance of a kind or  
to a degree, that—

2 (I) has been affirmatively and specifically identified as a permissible  
3 ground of downward departure in the sentencing guidelines or policy  
4 statements issued under section 994(a) of title 28, taking account of any  
amendments to such sentencing guidelines or policy statements by  
Congress; (emphasis added)

5 This policy is further reflected and explained in the 2023 Federal Sentencing Guidelines

6 Section 5K2.0 (b):

7 (b)DOWNWARD DEPARTURES IN CHILD CRIMES AND SEXUAL  
8 OFFENSES.—Under 18 U.S.C. § 3553(b)(2)(A)(ii), the sentencing court may  
impose a sentence below the range established by the applicable guidelines only  
9 if the court finds that there exists a mitigating circumstance of a kind, or to a  
degree, that—

10 (1) has been affirmatively and specifically identified as a permissible ground of  
11 downward departure in the sentencing guidelines or policy statements issued  
under section 994(a) of title 28, United States Code, taking account of any  
12 amendments to such sentencing guidelines or policy statements by act of  
Congress;

13 (2) has not adequately been taken into consideration by the Sentencing  
14 Commission in formulating the guidelines; and

15 (3) should result in a sentence different from that described.

16 **A. Age may be grounds for a downward departure.**

17 Age is specifically identified as a factor that may be considered in a downward departure  
12 in the 2023 Federal Sentencing Guidelines, Section 5H1.1, which reads in relevant part,

19 §5H1.1. Age (Policy Statement)

20 Age (including youth) may be relevant in determining whether a departure is  
21 warranted, if considerations based on age, individually or in combination with  
22 other offender characteristics, are present to an unusual degree and distinguish  
the case from the typical cases covered by the guidelines.

Age is not considered a Forbidden Factor, under 28 USC 1994(d) so long as it has “any relevance to the nature, extent, place of service, or other incidents of an appropriate sentence, and shall take them into account only to the extent that they do have relevance— (1) age.”

Shawn Stone was a high school special education student with all of the symptoms of youth, and all of the challenges of significant learning disabilities and ADHD—impulsiveness, not considering the consequences of his actions, and immaturity. In this respect he is not like other defendants charged with this offense and should accordingly be treated differently.

**B. An individual’s mental and emotional condition may also be considered for a downward departure.**

Section 5H1.3, reads in relevant part:

§5H1.3. Mental and Emotional Conditions (Policy Statement)

Mental and emotional conditions may be relevant in determining whether a departure is warranted, if such conditions, individually or in combination with other offender characteristics, are present to an unusual degree and distinguish the case from the typical cases covered by the guidelines.

There is a trend in the law toward acknowledging the ways that youth are different from adults and how that impacts culpability and punishment. The U.S. Supreme Court has acknowledged the differences in youth brain development and culpability in several recent decisions that strike down extreme sentencing for court-involved youth. The Eighth Amendment to the United States Constitution compels us to recognize that children are different. E.g., *Miller*, 132 S. Ct. at 2470 (“children are different”); *Graham*, 560 U.S. at 68-70 (differences between children and adults are constitutional in nature and implicate Eighth Amendment and sentencing practices); *Roper v. Simmons*, 543 U.S. 551, 569-70, 125 S. Ct. 1183, 161 L. Ed. 2d 1 (2005).

1 The Sentencing Guidelines Policy Statements now allow the use of age as a  
2 consideration for a downward departure, where only a few years ago this fact was not  
3 considered relevant and was disfavored in the Policy Statement.

4 In this case Mr. Stone had significant mental and emotional challenges his entire life and  
5 to this day. While he was technically an adult when he committed the elements of the Production  
6 offense, he was in every way, other than chronologically, an immature child when he snapped  
7 those photos. Those conditions contributed directly to his engagement in the world of child  
8 pornography from the age of 14, as he acted out of the thrill or risk-taking and sensation seeking  
9 without apparent regard for the consequences to himself or the victims of those cruel images. By  
10 the time Shawn Stone became an adult he was using the world of child sexual abuse images as an  
11 escape from a reality he had trouble fitting into. It became his crutch as he tried to cope with life.  
12 A horrible, destructive, and ultimately self-defeating crutch. When the Court considers Mr.  
13 Stone's extensive involvement in the use, distribution and promotion of child pornography Mr.  
14 Stone hopes the Court will also consider his age and his mental and emotional state and find that  
15 a downward departure is appropriate in his case.  
16

### 17 **III. CONCLUSION**

18 The Defense respectfully requests that the Court sentence Shawn Stone to 15 years (180  
19 months) of incarceration for his violations of the law in this case. There is sufficient evidence of  
20 mitigation in this case that justifies a sentence substantially below the Guidelines Range.

21 This sentence both acknowledges Mr. Stone's guilty plea to this crime and the  
22 seriousness of his crime, while also being a "sufficient, but not greater than necessary"  
23 punishment under section 3553(a) and (b).  
24

**DATED** this 10th day of May 2024.

/s/ Brad A. Meryhew

Brad A. Meryhew

Attorney for Defendant Shawn Stone

The Meryhew Law Group

200 Broadway, Suite 301

Seattle, WA 98122

Phone: (206) 264-1590

Fax: (206) 264-1593

Email: brad@meryhewlaw.com

**CERTIFICATE OF SERVICE**

I certify that on this 10th day of May 2024, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system, which will send notification of filing to all registered parties.

/s/Sharie Hudgins

Sharie Hudgins  
Paralegal

## Exhibit A

# Educational Evaluation Summary Puyallup School District June 4, 2018





### Evaluation Summary

☐ Initial ☒ Reevaluation

 Student Name: Shawn C. Stone Student ID No.: 570332

 Birth Date: 10/14/2000 Grade: 10 Age: 17

 School District: Puyallup School District No. 3 School: Rogers High School

 Evaluation Group Meeting Date: 06/04/2018 Next Three Year Reevaluation Due Date: 06/04/2021

 Primary language of student: GERMAN Primary language at home: GERMAN

 Parent(s) name(s): Tina Stone

 Parent interpreter needed? ☐ Yes ☒ No

 Surrogate parent: ☒ No ☐ Yes If yes, name: \_\_\_\_\_

Evaluation Case Manager (Psychologist/SLP): \_\_\_\_\_

Title: \_\_\_\_\_

#### I. Review of Existing Data

Student was reevaluated to determine:

- i. Whether he/she continues to be a special education student and continues to need special education and any necessary related services.
- ii. The present levels of performance and educational needs of the student; and
- iii. If any additions or modifications to the special education and any necessary related services are needed to enable the student to meet the measurable annual goals set out in the student's individualized education program and to participate, as appropriate, in the general curriculum.

The following information was obtained from Shawn's general education cumulative file and special education compliance file. A more thorough history is documented in previous evaluation reports and Individualized Education Plans (IEP's) contained in the student's file.

Previous records indicate Shawn transferred to the Puyallup School District in October of 2012 from Schweinfurt Elementary School, a school operated by the Department of Defense located in Germany. At that time, he began attending 5th grade at Sunrise Elementary School and began receiving specially designed instruction in the areas of reading comprehension, math comprehension, writing, and study skills based on transfer documents from the Department of Defense. He initially qualified for special education services in 2009. His disability category was Specific Learning Disability, and he also had a diagnosis of ADHD. His reevaluation in 2015 resulted in a change of his eligibility category to Other Health Impairment and specially designed instruction was continued in the areas of reading, math, written expression, and social/emotional.

Shawn is currently a 10th grader at Rogers High School. German is Shawn's first language, but he attended English speaking schools while in Germany and has been receiving instruction in English in the United States since 2012.

Current Washington law requires a reevaluation at least every three years for children who receive Special Education Services. This reevaluation meets this requirement for Shawn. Consent to complete this reevaluation was requested of Shawn's parent/guardian.

#### II. Eligibility Decision:

 Meets Eligibility Criteria: ☒ Yes ☐ No



---

### Evaluation Summary

---

#### Identified Disability Category:

Other Health Impairment - Students with health impairments are those who have limited strength, vitality or alertness, due to chronic or acute health problems--such as students with serious congenital heart defect, other congenital syndrome(s), other disorders of the cardiorespiratory systems, disorders of the central nervous system including epilepsy or neurological impairment, or other profound health circumstances or degenerative condition(s)--which adversely affects or with a high degree of professional certainty will affect their educational performance.

The effects of the disability on the student's involvement and progress in the general curriculum; or for preschool children, in appropriate activities.

The evaluation team agrees that Shawn is making growth with his current level of special education support. Information gathered from his teachers confirms that the current level of support is benefiting him at this time and that he continues to require support. Shawn requires additional support beyond what is available through general education with modifications and accommodations. If this support were discontinued, Shawn would likely experience academic difficulties and would be at risk for academic failure. The team therefore agrees that Shawn's disability continues to adversely impact his education. Denying him this support would not appropriately provide Shawn with his free appropriate education.

#### Summary of Qualifications and Functioning:

Shawn has a diagnosis of ADHD from 2012 and his medical condition appears to be impacting his ability to learn and participate in general education curriculum at a similar rate to his peers. Current evaluation results indicate Shawn continues to struggle with reading, math, and written expression. He also exhibits difficulties with attention and executive function skills. The team decided that the specially designed instruction under social/emotional be changed to study skills to better support Shawn's specific needs. Specially designed instruction in all academic areas was recommended by the evaluation team.

Shawn C. Stone  
Student ID: 570332  
WA SSID: 1986479131  
Date of Birth: 10/14/2000



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## Evaluation Summary

### III. Recommendations to IEP (Individual Education Program) committee:

#### 1. Special Education services including specially designed instruction:

SDI	Area Assessed	Description
Reading	Academic	Improve ability to read and understand a variety of written materials, and increase vocabulary development
Math	Academic	Increase accuracy and fluency of computation skills
Written Expression	Academic	Improve ability to write with appropriate content, structure, organization, and mechanics
Study Skills	Academic	To improve classroom management skills, such as time on-task, assignment completion, test-taking, organization, etc.

#### 2. Related services:

No related services needed

#### 3. Supplementary Aids and Services:

To be determined by the IEP team

### IV. Assurances

The District has conducted a full and individual evaluation of this student in all areas of suspected disability(ies) in accordance with the evaluation procedures contained in the Washington Administrative Code.

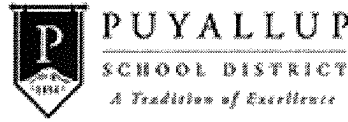
If eligible as specific learning disabled, a severe discrepancy was established between achievement and ability that is not correctable without special education and related services.

The findings of this evaluation are not primarily due to a lack of instruction in reading, math, or limited English proficiency.

#### Consideration of Test Bias:

This evaluation was administered with the understanding of test limitations which may result in bias because of cultural, economic, environmental or behavioral factors. However, such limitations have been considered and determined not to be a significant factor in current eligibility determination.

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## Areas of Evaluation

### General Education

#### Assessment Summary:

Shawn attended 5th grade at Sunrise Elementary, 6th grade at Carson Elementary, and transitioned to Stahl Junior High for 7-9th grades. Shawn is currently a 10th grader at Rogers High and has obtained 9.5 credits towards graduation with a 2.705 GPA. Interim Progress Reports from 5/22/18 indicate the following grades: ASL (C), Basic Math (C-), Biology (D), JROTC (B+), Language Arts (A-), and Welding (A-). Shawn will need to meet state testing graduation requirements for English Language Arts and Math.

Shawn has had good attendance this school year with 1 unexcused tardy, 7 periods of unexcused absence, and 2 days of excused absence. He has 3 behavioral incidents on file, 2 on the bus while in Junior High (Profanity and Misconduct) and 1 at Rogers for being off campus during lunch.

#### DISTRICT/STATE TESTING

9th grade

PSAT-English 310 Standard Not Met

PSAT-Math 330 Standard Not Met

STAR Reading: Fall (2.6 GE) Winter (2.8 GE)

STAR Math: Winter (4.7 GE)

#### ELPA 21

Reading Beginning

Writing Early Intermediate

Listening Intermediate

Speaking Early Intermediate

Proficiency Status Progressing- Level 2

Descriptions for the ELPA21 Domain Levels are as follows:

Level 5 – Advanced: Exhibits superior grade-level English language skills as measured by the ELPA21.

Level 4 – Early Advanced: Demonstrates grade-level English language skills required for engagement with academic content instruction at a level comparable to non-EL's.

Level 3 – Intermediate: Applies some grade-level English language skills and will benefit from English Language Program support.

Level 2 – Early Intermediate: Presents evidence of developing grade-level English language skills and will benefit from English Language Program support.

Level 1 – Beginning: Displays few grade-level English language skills and will benefit from English Language Program support.

8th grade

MSP Science 379 Level 2

SBA ELA 2443 Level 1

SBA Math 2407 Level 1

#### Conclusions from observations:

Teacher input and observations were requested with the resulting information:

Ms. Opheikens, ASL teacher, reports Shawn is trying very hard in ASL but struggles with memorizing the signs and using them. His behavior is good and he interacts well with several students.

Mr. Baker, Welding teacher, reports Shawn's work is great and he has had no problems with Shawn in his class.

Mr. Shamblin, special education math teacher, reports Shawn is often off task and distracts others. He is slow to respond to guidance to return to the assigned tasks which is slowing his progress in math. When he is on task, he is a capable math student and can be very engaging.



### Areas of Evaluation

**Test Name :** Woodcock-Johnson IV Tests of Achievement  
 (WJ IV ACH) – 6 Clusters

**Date(s) Given:** 05/16/2018

**Professional/Examiner:** Janette Lowe

The Woodcock-Johnson IV Tests of Achievement is a comprehensive set of individually administered achievement tests. On most tests, items gradually increase in difficulty. Not all tests are administered to all students. Performance is reported using a standard score with a mean of 100 and standard deviation of 15. These scores indicate how a student performed in comparison with a sample of children at the same age level.

The Basic Reading Skills cluster is an aggregate measure of sight vocabulary, phonics and structural analysis skills. It includes the Letter-Word Identification and Word Attack tests. The Reading Fluency cluster provides a measure of several aspects of fluent reading including prosody, automaticity, accuracy and speed. It is based upon a combination of the Oral Reading and Sentence Reading Fluency tests. The Reading Comprehension cluster provides a measure of comprehension that requires reasoning and memory. Included within this cluster are the Passage Comprehension and Reading Recall tests. The Math Calculation Skills cluster is an aggregate measure of computational skills and automaticity with basic math facts. It includes the Calculation and Math Facts Fluency tests. The Math Problem Solving cluster provides a measure of mathematical problem solving, analysis and reasoning skills. It is based upon the Applied Problems and Number Matrices tests. Finally, the Written Expression cluster provides a measure of meaningful written expression and fluency. It includes the Writing Samples and Writing Fluency tests.

	Standard Score	Percentile Rank					
<b>CLUSTER/Test</b>							
<b>BASIC READING SKILLS</b>	70	2					
<b>Letter-Word Identification</b>	66						
<b>Word Attack</b>	81						
<b>READING COMPREHENSION</b>	80	9					
<b>Passage Comprehension</b>	77						
<b>Reading Recall</b>	94						
<b>READING FLUENCY</b>	51	<0.1					
<b>Oral Reading</b>	71						
<b>Sentence Reading Fluency</b>	48						
<b>MATH CALCULATION SKILLS</b>	71	3					
<b>Calculation</b>	78						
<b>Math Facts Fluency</b>	67						
<b>MATH PROBLEM SOLVING</b>	96	41					
<b>Applied Problems</b>	95						
<b>Number Matrices</b>	99						
<b>WRITTEN EXPRESSION</b>	81	11					
<b>Writing Samples</b>	88						
<b>Sentence Writing Fluency</b>	76						





## Areas of Evaluation

### Social/Emotional

#### Conclusions from observations:

The Behavior Assessment System for Children, Third Edition (BASC-3) was distributed to Shawn's classroom teachers (Ms. Martin and Ms. Marcoe). The rating scales obtain measures of the child's behavior in school, home, and community settings. Scores are reported as T scores with a mean of 50 and a standard deviation of 10. A T-score of 70 or above is considered clinically significant, 60-69 are considered At-Risk. T-scores in the Adaptive Skills area also have a mean of 50 and a standard deviation of 10, however, a score of 31-40 is considered At-Risk and 30 or below is considered significant. The BASC-3 has validity indices which checks for the accuracy of rater responses.

The BASC-3 F Index is a classically derived infrequency scale, designed to assess the possibility that a rater has depicted a child's behavior in an inordinately negative fashion. The F Index consists of items that represent maladaptive behaviors to which the rater answered "almost always" and adaptive behaviors to which the rater responded "never." The F Index score produced from the ratings of Shawn by both raters fell within the Acceptable range and does not indicate the presence of negative response distortion. The Consistency Index identifies situations when the rater has given inconsistent responses to items that are typically answered in a similar way, based on comparisons made to raters from the general population. The Consistency Index was designed to identify ratings that might not be easily interpretable due to these response discrepancies. The Consistency Index score produced from the ratings of Shawn by both raters fell within the Acceptable range and indicates the raters consistently answered items when completing the rating form.

The BRIEF2 is a questionnaire completed by parents and teachers of school-aged children as well as adolescents ages 11 to 18. Parent and teacher ratings of executive functions are good predictors of a child's or adolescent's functioning in many domains, including the academic, social, behavioral, and emotional domains. T scores are used to interpret the level of executive functioning as reported by parents and teachers on the BRIEF2 rating forms (M = 50, SD = 10). T scores provide information about an individual's scores relative to the scores of respondents in the standardization sample. Percentiles represent the percentage of children in the standardization sample with scores at or below the same value. For all BRIEF2 clinical scales and indexes, T scores from 60 to 64 are considered mildly elevated, and T scores from 65 to 69 are considered potentially clinically elevated. T scores at or above 70 are considered clinically elevated. The BRIEF2 was distributed to two classroom teachers, parent, and Shawn.

The BRIEF2 contains three scales to examine validity: Inconsistency, Negativity, and Infrequency scales. Scores on the Inconsistency scale indicate the extent to which the respondent answered similar BRIEF2 items in an inconsistent manner relative to the clinical samples. For example, a high Inconsistency score might be associated with the combination of responding Never to the item "Small events trigger big reactions" and Often to the item "Becomes upset too easily." The Negativity scale measures the extent to which the respondent answered selected BRIEF2 items in an unusually negative manner relative to the clinical sample. The Infrequency scale measures the extent to which the respondent endorsed items in an atypical fashion. All validity scales for all raters were within the Acceptable ranges.

#### Significant Findings:

##### BASC-3

Both classroom teachers indicated the following common behavioral concerns on the BASC-3, with explanations below. These are areas where raters observed certain behaviors that indicate Shawn has difficulty in these areas when compared with same-aged peers:

- Attention Problems: Both raters indicate Shawn has significant difficulty maintaining necessary levels of attention at school and home. The problems experienced by Shawn are probably interfering with academic performance and functioning in other areas.
- Learning Problems: Both teachers indicate that Shawn has difficulty comprehending and completing schoolwork in a variety of academic areas.
- Atypicality: Teachers report Shawn sometimes engages in behavior that is considered odd or strange.
- Adaptability: Shawn has difficulties with adapting to changes in the environment.



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### Areas of Evaluation

- Leadership: Shawn's teachers report that he sometimes has difficulty making decisions, lacks creativity, and/or has trouble getting others to work together effectively.
- Study Skills: Teachers report that Shawn demonstrates weak study skills, is poorly organized, and has difficulty turning in assignments on time.
- Functional Communication: Shawn demonstrates poor expressive and receptive communication skills and has difficulty seeking out and finding information on his own.

#### BRIEF2

Both teacher and parent ratings of Shawn's executive function, as exhibited in everyday behaviors, reveal common concerns in the following areas:

- the ability to utilize working memory - the capacity to hold information in mind and manipulate and problem solve with that information
- the ability to task-monitor, which includes the ability complete tasks and timeliness.

Shawn rates himself as being within the clinically significant range in the ability to complete tasks. He also rates himself in the moderately elevated range in several areas:

- the ability to inhibit impulsive responses
- the ability to self-monitor, to check one's own performance as well as an awareness of the effect that one's behavior has on others.
- the ability to express and regulate emotions appropriate to age
- the ability to utilize working memory - the capacity to hold information in mind and manipulate and problem solve with that information

The team discussed this information and concluded that Shawn may benefit from specially designed instruction in the area of study skills.



Shawn C. Stone  
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## Areas of Evaluation

**Test Name :** Behavior Assessment System for Children-3  
 (BASC-3): Teacher Report 12-21 (multi-rater)

Date(s) Given:

Professional/Examiner:

The Behavioral Assessment System for Children, Third Edition (BASC-3) allows for systematic, standardized assessment of a child or adolescent's social-emotional skills and behavior by a variety of respondents. Results are reported using T-Scores, which have an average of 50 and a standard deviation of 10. The significance of any T-score is determined by where it falls in relation to what is considered average for other children at the same-age level.

Clinical Scales are areas that focus on disruptive behaviors or internal problems. T-Scores on the Clinical Scales which are between 60 and 69 are in the \*At-Risk range and identify a significant (though not severe) problem, or a potentially developing problem that needs careful monitoring. T-Scores 70 and above are in the \*\*Clinically Significant range and suggests a high level of difficulty or maladjustment. Adaptive Scales are areas that focus on positive psychological features and skills. T-Scores on the Adaptive Scales which are between 31 and 40 are in the \*At-Risk range. T-Scores 30 and below are in the \*\*Clinically Significant range.

Scales marked with (B) load into the Behavioral Symptoms Index.

	T score	T score	T score	T score	T score		
Completed by / Date:	Martin 5/18/18	Marcoe 5/18/18					
Hyperactivity (B)	51	91					
Aggression (B)	46	73					
Conduct Problems	43	65					
EXTERNALIZING PROBLEMS COMPOSITE	46	78					
Anxiety	58	60					
Depression (B)	48	58					
Somatization	44	49					
INTERNALIZING PROBLEMS COMPOSITE	50	56					
Attention Problems (B)	68	77					
Learning Problems	80	82					
SCHOOL PROBLEMS COMPOSITE	75	81					
Atypicality (B)	62	76					
Withdrawal (B)	63	58					
BEHAVIORAL SYMPTOMS INDEX	58	77					
Adaptability	36	38					
Social Skills	37	45					
Leadership	32	38					
Study Skills	33	32					
Functional Communication	33	33					
ADAPTIVE SKILLS COMPOSITE	33	36					

Shawn C. Stone  
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### Areas of Evaluation

Test Name : Behavior Rating Inventory of Executive  
Function, Second Edition (BRIEF-2) multi-rater

Date(s) Given:

Professional/Examiner:

The BRIEF-2 is a questionnaire completed by parents and teachers of school-aged children as well as adolescents ages 11 to 18. Parent and teacher ratings of executive functions are good predictors of a child's or adolescent's functioning in many domains, including the academic, social, behavioral, and emotional domains. T scores are used to interpret the level of executive functioning as reported by parents and teachers on the BRIEF2 rating forms. These scores are linear transformations of the raw scale scores ( $M = 50$ ,  $SD = 10$ ). T scores provide information about an individual's scores relative to the scores of respondents in the standardization sample. Percentiles represent the percentage of children in the standardization sample with scores at or below the same value. For all BRIEF2 clinical scales and indexes, T scores from 60 to 64 are considered mildly elevated, and T scores from 65 to 69 are considered potentially clinically elevated. T scores at or above 70 are considered clinically elevated.

The Behavior Regulation Index (BRI) captures the child's ability to regulate and monitor behavior effectively. It is composed of the Inhibit and Self-Monitor scales. Appropriate behavior regulation is likely to be a precursor to appropriate cognitive regulation. It enables the cognitive regulatory processes to successfully guide active, systematic problem solving and more generally supports appropriate self-regulation.

The Emotion Regulation Index (ERI) represents the child's ability to regulate emotional responses and to shift set or adjust to changes in environment, people, plans, or demands. It is composed of the Shift and Emotional Control scales. Appropriate emotion regulation and flexibility are precursors to effective cognitive regulation.

The Cognitive Regulation Index (CRI) reflects the child's ability to control and manage cognitive processes and to problem solve effectively. It is composed of the Initiate, Working Memory, Plan/Organize, Task-Monitor, and Organization of Materials scales and relates directly to the ability to actively problem solve in a variety of contexts and to complete tasks such as schoolwork.

The Global Executive Composite (GEC) is an overarching summary score that incorporates all of the BRIEF-2 clinical scales.

	T Score	T Score	T Score	T Score	T Score		
Completed by: Date:	Parent	Shamblin	Martin				
INDEX/Scale							
Inhibit	55	60	47				
Self-Monitor	78	68	47				
BEHAVIOR REGULATION INDEX (BRI)	65	64	47				
Shift	57	69	65				
Emotional Control	55	56	49				
EMOTION REGULATION INDEX (ERI)	56	63	58				
Initiate	63	58	77				
Working Memory	82	65	86				
Plan/Organize	72	55	73				
Task-Monitor	73	64	70				
Organization of Materials	73	49	68				

Shawn C. Stone  
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### Areas of Evaluation

<b>COGNITIVE REGULATION INDEX (CRI)</b>	76	59	77				
<b>GLOBAL EXECUTIVE COMPOSITE (GEC)</b>	71	62	66				
<b>-Validity Scales-</b>							
<b>Negativity</b>	Acceptable	Acceptable	Acceptable				
<b>Inconsistency</b>	Acceptable	Acceptable	Acceptable				
<b>Infrequency</b>	Acceptable	Acceptable	Acceptable				



### Areas of Evaluation

**Test Name :** Behavior Rating Inventory of Executive Function–Second Edition (BRIEF-2) Self-Report Version

**Date(s) Given:** \_\_\_\_\_

**Professional/Examiner:** \_\_\_\_\_

The BRIEF-2 Self-Report Form is a 55-item standardized self-report measure developed to capture older children's and adolescents' (aged 11 to 18 years with a fifth-grade or better reading level) views of their own executive functions, or self-regulation, in their everyday environment.

T scores are used to interpret the adolescent's self-reported profile of executive functioning on the BRIEF-2 Self-Report Form. These scores are linear transformations of the raw scale scores ( $M = 50$ ,  $SD = 10$ ). T scores provide information about an individual's scores relative to the scores of respondents in the standardization sample.

Percentiles, which are also presented in this report, represent the percentage of children in the standardization sample with scores at or below the same value.

For all BRIEF-2 clinical scales and indexes, T scores from 60 to 64 are considered mildly elevated, and T scores from 65 to 69 are considered potentially clinically elevated. T scores at or above 70 are considered clinically elevated.

	T Score	Percentile					
Date	5/18/18						
INDEX/scale							
Inhibit	66	94					
Self-monitor	65	94					
BEHAVIOR REGULATION INDEX	67	93					
Shift	52	67					
Emotional Control	68	97					
EMOTION REGULATION INDEX	60	84					
Task-Completion	77	98					
Working Memory	69	96					
Plan/Organize	64	92					
COGNITIVE REGULATION INDEX (CRI)	71	96					
GLOBAL EXECUTIVE COMPOSITE (GEC)	68	94					

**Shawn C. Stone**

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## Areas of Evaluation

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### Age Appropriate Transition Assessment

**Needs**

Functional Vocational Evaluation (Transition) is an ongoing process. Shawn's IEP team has been addressing transition services since the first IEP in effect after he turned 16. Shawn continues to need specially designed instruction in the areas of reading, math, written expression, and study skills.

**Strengths**

Shawn is polite and friendly. When he is able to focus, he is able to produce great work. He gets along well with peers.

**Preferences**

After graduation, Shawn is interested in joining the Army and becoming a mechanic.

**Interests**

In his free time, Shawn likes to play video games, spend time with his girlfriend, hang out at home, and longboard.

## Exhibit B

# Individualized Education Plan Review Puyallup School District June 4, 2019

Shawn C. Stone  
Student ID: 570332  
WA SSID: 1986479131  
Date of Birth: 10/14/2000



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### Individualized Education Program (IEP) Cover Page (Review)

Student's Name: Shawn C. Stone  
Grade: 11 Age\*: 18 Disability (if identified): Other Health Impairment  
Parent/Guardian/Adult Student: Christopher Stone, Tina Stone, Shawn Stone Primary language at home: GERMAN  
Parent interpreter needed? ☐ Yes ☐ No Surrogate parent: ☐ Yes ☒ No If yes, name: \_\_\_\_\_  
Home Address: 9814 187th ST CT E, Puyallup, WA, 98375  
Phone # (H): (253) 365-1427/(253) 365-0960 Phone # (W): \_\_\_\_\_  
Attending School: Rogers High School Is this student's neighborhood school? ☒ Yes ☐ No

Most Recent Evaluation Date	<u>06/04/2018</u>	IEP Start Date	<u>06/06/2019</u>
Next re-evaluation must occur before	<u>06/04/2021</u>	Next IEP Start Date must occur on or before	<u>06/06/2020</u>
IEP Meeting Date	<u>06/04/2019</u>	Date parent notified of meeting	<u>05/30/2019</u>
Next IEP Meeting must occur before	<u>06/03/2020</u>	Date student notified of meeting (if transition will be discussed)	<u>05/30/2019</u>

Primary Staff Contact: ALLISON MARTIN, Special Education Teacher  
Phone Number: 841-8717

Signatures are used to document participation in the meeting and do not constitute agreement or disagreement.

Excused	Title	Participant Name	Signature
<input type="checkbox"/>	IEP Case Manager		
<input type="checkbox"/>	Parent		
<input type="checkbox"/>	Student		
<input type="checkbox"/>	LEA Rep		
<input type="checkbox"/>	Special Education Teacher		
<input type="checkbox"/>	General Education Teacher		
<input type="checkbox"/>	General Education Teacher		
<input type="checkbox"/>	General Education Teacher		
<input type="checkbox"/>			
<input type="checkbox"/>			

\* The student must be informed at least one year prior to turning 18 that the IDEA procedural safeguards (rights) transfer to him/her at age 18 and be provided with an explanation of those procedural safeguards.

Date informed: \_\_\_\_\_

Projected Graduation/Exit Date: 06/13/2020



Shawn C. Stone  
Student ID: 570332  
WA SSID: 1986479131  
Date of Birth: 10/14/2000



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Puyallup School District No. 3  
Puyallup Special Services  
214 West Main  
Puyallup, WA 98371  
253 841-8700

## Present Level of Educational Performance

Meeting Date: 06/04/2019

**PURPOSE:** The Present Level of Educational Performance describes the effects of the student's disability upon the student's involvement and progress in the general curriculum and area(s) of need. This includes the student's performance in academic achievement (reading, math, communications, etc.) and functional performance (behavior, social skills, daily life activities, mobility, extra-curricular activities, etc.) in objective terms. Test scores, if appropriate, should be self-explanatory or an explanation should be included. For preschool students this section should include how the student's disability affects the student's participation in appropriate activities. **There should be a direct relationship between the present level of educational performance and the other components of the IEP.**

### General Education Teacher Report

Shawn is enrolled in 3 resource classes and 3 general education classes.  
Current grades as of 5/23/18:  
Language Arts III  
Basic Math V  
Welding  
Job Readiness(American Studies)  
JROTC  
Weight Training

### » Adverse Impact Summary

Shawn's documented difficulties in study skills, written expression, reading, and math adversely affects his progress in the general education curriculum. This deficit is considered reason for causing him to progress at a slower pace and at a decreased level more than his same grade classmates therefore requires specially designed instruction.

### Academic

Shawn qualifies for Specially Designed Instruction in study skills, written expression, reading, and math under the Other health impaired category.

### » Reading

In a Gates MacGinitie reading comprehension assessment completed in September 2017 Shawn was able to correctly answer 18 out of 48 questions correctly for a grade level equivalent of 5.0. This is a timed test. Shawn only answered 36 questions before running out of time. In May 2018, Shawn took the test again. This time he finished all the questions in the time allotted. He scored 19 correct for a GE of 5.2. In Feb 2019, he scored 18/48. A same age peer without a reading disability would have scored 35 or higher on the Gates comprehension test. In a Gates vocabulary test, Shawn was able to correctly answer 16/45 correct for a GE of 5.0. This is also a timed test. He only answered 25/45 questions. Shawn needs specially designed instruction in the area of reading.

### » Math

Shawn is currently enrolled in Basic Math V, a special education math class. In class he shows strong problem solving skills but struggles with his basic math facts and showing his work.

Shawn was recently given the GMADE math assessment. Scores between 85-115 are considered average. The test was broken up into three sections:

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### Present Level of Educational Performance

Meeting Date: 06/04/2019

- \*Concepts & Communication (Math vocab)-- 76 SS
- \*Operations & Computation (Calculation)-- 71 SS
- \*Process & Application (Word problems)-- 78 SS

Shawn continues to need work with solving multi-step algebraic equations as he gets these correct about 50% of the time.

Shawn's math skills are below that of his same age peers and prevent him from being successful in the general education setting without specially designed instruction. He needs SDI in math so he can close the achievement gap between his gen ed peers, be successful in gen ed math and so he can successfully meet his transition goals. Shawn's gen ed peers are required to meet standard on the Math EOC and pass without accommodations at a level 3 or 4.

#### » Writing

In a five minute write completed in Feb 2019, Shawn was able to write 37 words. His passage was on topic, and had some details. He experimented with more complex sentence structure. He did use capital letters and end punctuation. He did not use transition words. His spelling was the biggest distraction to reading his paragraph. Using the Puyallup School District scoring rubric, Shawn scored a 5 out of 10 in COS (content, organization, and style) and a 3 out of 5 in conventions (grammar) for a total of 8 out of 15.

A same age student without a writing disability would be able to write a paragraph at the 11th grade level that was on topic and focused with a topic sentence, reasons to support the topic, explanations, elaboration, and examples to explain the reasons, and a conclusion. In addition, same age peer without a writing disability would be able to add interest by varying the sentence structure and vocabulary that was clear and engaging with a score of 8 out of 10 for content and a score of a high 4 out of 5 for conventions as measured by the district writing rubric. It is because of the data

listed above that Shawn continues to need specially designed instruction in the area of writing.

#### Other

Study Skills- Shawn qualifies in the area of study skills. Shawn is slow to start work. He needs many probes to get working. His phone is often a distraction. Once started, he will attempt the work. If he gets stuck on something that is too challenging, he stops working. He occasionally asks for help. He needs to work on asking for help sooner so he doesn't fall behind. He often has missing work in his classes. When prompted, or when parents are contacted, he completes his missing work. His work completion rate has improved, but is often around 70%. Shawn's study skill needs will be met within his resource classes.

#### Age Appropriate Transition Assessment

##### Needs

Shawn needs Specially Designed Instruction in the area of written expression, reading, math, and study skills. Shawn needs to earn 24 credits to satisfy graduation requirements. He needs to complete his Post High Plan, 20 community services hours, and related paperwork. He will also need to meet standards on all the State's Assessments or other approved alternatives required to graduate. At this time, Shawn is interested in a military career. He needs to study to pass the ASVAB with a score to qualify him for his interest in mechanics.

##### Strengths

In an interview completed on May. 24, 2018, Shawn stated that he had good attendance and was on time.



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### Present Level of Educational Performance

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Meeting Date: 06/04/2019

He said that he follows directions sometimes and is motivated to learn. In 2019 he added that he is good at motivating others and using physical strength. When asked what were three words that best described him as a person/worker he said, "inventive, flexible, creative." He said he likes thinking outside of the box.

#### Preferences

In an interview completed on May 24, 2019, Shawn stated that he is good at running and being active. He was able to do chores around the house and use basic hand tools. In his spare time he liked to hang out by himself, run, and play video games.

He prefers classes without paperwork.

On the WOIS Work Importance Locator completed on 9/17/17, Shawn scored his highest work values as Recognition and Support.

People for whom support from their employer is important like to be treated fairly and have supervisors who will back them up. They prefer jobs where they are trained well.

People for whom recognition is important like to work in jobs which have opportunities for them to advance, be recognized for their work, and direct and instruct others. They usually prefer jobs in which they are looked up to by others.

#### Interests

Shawn is interested in a career in the military. He would like to be a mechanic. He is currently in JROTC.

On the WOIS Interest Profiler completed on Sept. 17, 2017, Shawn scored his highest interests in the area of Realistic careers.

People with Realistic interests like work activities that include practical, hands-on problems and solutions. They enjoy dealing with plants, animals and real-world materials, like wood, tools and machinery. They enjoy outside work. Often people with Realistic interests do not like occupations that mainly involve doing paperwork or working closely with others.

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## Secondary Transition

Meeting Date: 06/04/2019

**PURPOSE:** The purpose of transition planning is to develop a coordinated set of activities designed within a results-oriented process that is focused on improving the academic achievement and functional performance of the student in order to facilitate the student's movements from school to post-school activities, including postsecondary education, training, employment, and if appropriate, independent living skill.

**Projected Graduation / Exit Date:** 06/13/2020

**Comments:**

### I. Post Secondary Goals/Outcomes

*Define and project the desired post-secondary goal as identified by the student, parent, and IEP team in the available content areas. Transition Services may be special education, if provided as specifically designed instruction or related services. These services would be included in the Service Matrix section of the IEP.*

Content Area: Education/Training	
Upon leaving public school, Shawn will After graduation Shawn will pursue a career in the military.	
Transition Services	Staff / Agency Responsible
Instruction - Shawn will continue to work on his skills in the areas of math, reading, study skills, and written expression.	Puyallup District Staff
Related Services - None at this time.	Puyallup District Staff
Community Experience - Shawn will visit the career center in high school to gain information regarding admissions to the various branches of the military. He should visit with a local recruiting office in order to become familiar with the requirements of basic training, career options available, etc.	Puyallup District Staff
Employment - Shawn will research the various career choices available in the military. He will research the necessary qualifications for obtaining employment in his fields of interest.	Puyallup District Staff

Content Area: Employment	
Upon leaving public school, Shawn will After graduation Shawn will gain employment in one of the branches of the military.	
Transition Services	Staff / Agency Responsible
Education - Shawn will complete courses the manufacturing field	Puyallup District Staff
Related Services - None at this time.	Puyallup District Staff
Community Experience - Shawn will practice interview skills.	Puyallup District Staff
Employment - Shawn will complete a job application.	Puyallup District Staff

### II. Course of study

*A multi-year description of coursework to achieve the student's desired post secondary goals, from the student's current year to anticipated exit year.*

Shawn is currently a junior at RHS who qualifies for SDI in written expression, reading, math, and study skills. He will graduate with 24 credits and requirements, appropriate assessments and projects to earn a high school diploma. He will be able to modify or substitute any of the general education requirements as needed to meet his special needs with special education substitution.

Shawn will need the following classes to graduate from high school:

9th grade (completed):  
 Basic Lang. Arts -2 semesters  
 Social Studies-2 semesters  
 Job Readiness (Science)-2 semesters  
 Basic Math III-2 semesters  
 PE-2 semesters  
 Life Issues - 1sem  
 Gateway to Tech- 1 sem





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### Secondary Transition

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Digitools - 1 sem  
6.5 credits

10th grade (completed):  
Lang. Arts III-2 semesters  
Biology-2 semesters  
Basic Math IV-2 semesters  
Welding- 2 semesters  
ASL I -2 semesters  
JROTC - 2 semesters

11th grade (in progress):  
Lang. Arts IV-2 semesters  
Job Readiness (Social Studies)-2 semesters  
Basic Math V-2 semesters  
Welding II-2 semesters  
JROTC-2 semesters  
ASL II - 1 semester (failed)  
Weight training- 1 semester

12th grade (proposed):  
Lang. Arts V-2 semesters  
Job Readiness (Social Studies)-2 semesters  
Basic Math VI-2 semesters  
Plant Science- 2 semesters  
JROTC- 2 semesters  
Ceramics- 2 semesters or possibly Welding if fine arts can be waived.

Shawn has met the IEP standard for the state assessments. He needs to complete a post high plan. He will complete career explorations and other interests by accessing the internet to research his possibilities. He will continue to take the ASVAB and meet with recruiters during his senior year.


**Program Accommodations/ Modifications and Support for School Personnel**
Meeting Date: 06/04/2019

**PURPOSE:** The purpose of this page is to document the modifications and/or accommodations that the student requires, based on the student's assessed needs, in order to advance appropriately toward attaining the identified annual goals, to be involved and make progress in the general education curriculum, and to be educated with non-disabled peers to the maximum extent appropriate. Accommodations may be in, but not limited to, the areas of presentation, timing/scheduling, setting, aids, and format. The impact of any modifications listed should be discussed. This includes the earning of credits for graduation.

This student will be provided access to the general education, special education, other school services and activities including non-academic activities and extracurricular activities, and education related settings:

- ☐ with no accommodations/modifications  
☒ with the following accommodations/modifications

Accommodations	Frequency	Location	Duration m/d/y to m/d/y
Extra Time	daily	all classes	06/06/2019 to 06/05/2020
Access to alternate testing environment	daily	all classrooms	06/06/2019 to 06/05/2020
Calculator	daily	all classrooms	06/06/2019 to 06/05/2020
Notes provided by teacher	when notes are given in class	all classes	06/06/2019 to 06/05/2020
Preferential Seating	daily	all classrooms	06/06/2019 to 06/05/2020
Read-Aloud - English	daily	all classrooms	06/06/2019 to 06/05/2020
Text-to-Speech	when taking assessments	testing	06/06/2019 to 06/05/2020

Modification(s)	Frequency	Location	Duration m/d/y to m/d/y
Content Area: extra time if student effort is shown	daily	all classrooms	06/06/2019 to 06/05/2020
Content Area: reduce number of problems	daily	all classrooms	06/06/2019 to 06/05/2020
Content Area: allow extra time to respond	daily	all classrooms	06/06/2019 to 06/05/2020

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**Program Accommodations/ Modifications and Support for School Personnel**

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Modification(s)	Frequency	Location	Duration m/d/y to m/d/y
Content Area:break material into manageable parts	daily	all classrooms	06/06/2019 to 06/05/2020
Content Area:check work frequently to ensure understanding	daily	all classrooms	06/06/2019 to 06/05/2020
Content Area:homework assignment sheet/planner	daily	all classrooms	06/06/2019 to 06/05/2020
Content Area:peer tutor/helper	daily	all classrooms	06/06/2019 to 06/05/2020
Content Area:preferential seating	daily	all classrooms	06/06/2019 to 06/05/2020
Content Area:difficult assignments to be completed in resource room	daily	all classes	06/06/2019 to 06/05/2020
Test Setting:Change location to increase physical or environmental access	daily	all classrooms	06/06/2019 to 06/05/2020

**Supports for School Personnel** (training, professional development, etc):

Support(s)	Frequency	Location	Duration m/d/y to m/d/y
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### Special Education and Related Services

Meeting Date: 06/04/2019

**PURPOSE:** The information on this page is a summary of the student's program/services, including when services will begin, where they will be provided, who will be responsible for providing them, and when they will end.

#### Services 06/06/2019 - 06/05/2020

Concurrent	Service(s)	Service Provider for Delivering Service	Monitor	Frequency	Location (setting)	Start Date	End Date
<b>Special Education</b>							
No	Reading	Special Ed Teacher	Special Ed Teacher	40 Minutes / Daily	Special Education	06/06/2019	06/05/2020
No	Written Expression	Special Ed Teacher	Special Ed Teacher	40 Minutes / Daily	Special Education	06/06/2019	06/05/2020
No	Math	Special Ed Teacher	Special Ed Teacher	50 Minutes / 5 Times Weekly	Special Education	06/06/2019	06/05/2020
No	Study Skills	Special Ed Teacher	Special Ed Teacher	20 Minutes / 5 Times Weekly	Special Education	06/06/2019	06/05/2020

Total minutes per week student spends in school:

1740 minutes per week

Total minutes per week student is served in a special education setting:

750 minutes per week

Percent of time in general education setting:

56.9% in General Education Setting



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### Prior Written Notice

To: Tina Stone, Christopher StoneDate: 06/04/2019Re: Student's Name: Shawn C Stone

**PURPOSE:** As a parent/guardian of a special education child or child suspected of needing special education services, the school district is required to provide you with prior written notice whenever it proposes or refuses to initiate or change the identification, evaluation, educational placement, or provision of a free appropriate public education to your child. This notice should be given to you after a district makes a decision and before action is taken on the decision. The notice should be given to you in a reasonable amount of time before the district takes action.

**The purpose of this prior written notice is to inform you that we are:**

1. ☒ proposing ☐ refusing to 2. ☒ initiate ☐ change ☐ continue ☐ discontinue **a/an**  
(mark one of the above) (mark one of the above)

Mark all items below that apply:

3. ☐ Referral ☐ Initial Evaluation ☐ Eligibility Category  
☐ Educational Placement ☒ IEP ☐ Reevaluation  
☐ Disciplinary action that is a change of placement ☐ 504 Plan ☐ Other:

Description of the proposed or refused action:

A meeting was held to complete an annual review Individualized Education Program (IEP) for Shawn. This IEP document describes his present levels of performance, goals, accommodations, services, assessments and all other relevant information. This IEP document also contains information describing when and where the special education services will be delivered. attended the meeting.

The reason we are proposing or refusing to take action is:

Shawn was found eligible for Special Education and is in need of an IEP. We are proposing to implement the IEP with the updates as discussed as an IEP team during the meeting.

Description of any other options considered and rejected:

We discussed how Shawn could have a 3rd year of welding instead of fine arts. He used the 1.0 PPR for JROTC. He has not had any fine arts. This would require admin approval to waive fine arts for welding.

The reasons we rejected those options were:

This hasn't been rejected yet.

A description of each procedure, test, record, or report we used or plan to use as the basis for taking this action is as follows:

A review of existing records to include, but not be limited to: teacher data, parent input, work samples and/or test results regarding Shawn was used.

Any other factors that are relevant to the action:

This IEP may be reviewed at any time, but will be reviewed at least annually. A copy of the IEP will be provided to you. The Notice of Special Education Procedural Safeguards for Students and Their Families was offered. The parent did not take the document.

This IEP will be the progress report for the end of the year.

The action will be initiated on: 06/06/2019

## Exhibit C

### Letters of Support for Shawn Stone

Tina Stone  
9814 187<sup>th</sup> St Ct E, Puyallup  
WA 98375

Dear Honorable Judge Jones,

My name is Tina Stone, and I am the mother of Shawn C. Stone who is in court for his sentencing. I want to use this letter as an opportunity to tell you a few things and characteristics about my son. We are deeply shocked and disappointed by Shawn's charges and the extent of his crime.

Shawn is a person of good character. I realize this may be hard to believe given the circumstances, but it is true. Shawn is a young man with a loving nature and a big heart. He is loyal to others respectful and always friendly. He is funny, sometimes shy but always helpful. It is important to Shawn to make people laugh.

Shawn spent a big part of his childhood in Germany. His father was in the military, and we moved around a lot because of this Shawn always had to get used to a new environment. From a young age up until now it has always been important to Shawn that he and I had a good and honest relationship. If he ever lied, he would always come to me shortly after to apologize for lying or he would write me sweet little letters. That's why the disappointment is even greater knowing that he had such a dark secret from me.

Shawn has always had learning difficulties in school. He even had to repeat a grade level. It was very hard for him to concentrate and pay attention. He was diagnosed with ADHD at age eight. He was treated with medication, but these only helped for a short time. Shawn didn't like the medication because they changed his personality, and he was almost a stranger to himself. We could see the difference too. Shawn went from being funny and always happy to being very withdrawn. From second grade to the end of his senior year, Shawn had an Individualized Education Plan (IEP) in school. He needed the extra help to focus on his academic skills. Due to his immaturity, it was difficult for him to make friends. Which often led to him being an outsider and others making fun of him. This caused Shawn to have very low self-esteem. Shawn didn't let it show, even though I'm sure he was hurting. Whenever I asked him about it, he would always say "It's okay" or "I'm fine". He has always said these replies in various situations, even to this day. As his mother, it often broke my heart, but I was always proud that Shawn didn't succumb to self-pity. Shawn had a very small circle of friends, but he valued and cherished the few that he had very much. He also had a couple girlfriends in high school.

Shawn always wanted to join the military like his dad. He got his first experience of comradery when he joined JROTC in high school. He was very successful in the sporting aspect and always showed good team spirit. This quickly led to him getting promoted to RAM TEAM commander and he received "The Iron Man" trophy in 2019.

After graduating high school in 2020 Shawn wasn't ready to leave home. He enlisted in the Army Reserves and his goal was always to become an active-duty soldier. When it was time to go to basic training in South Carolina, I was very nervous and worried. Shawn had no experience being on his own. I was afraid that others would make fun of his immature and naive nature. During this time Shawn learned to stand up for himself. We were filled with so much pride when we attended his graduation ceremony. Shawn told us that his time there wasn't easy, but he had a goal in mind which motivated him to never give up. After returning home from basic training and AIT Shawn started working at our local Costco. He enjoyed both of his jobs very much.

Shawn has never been in trouble before his arrest. His unacceptable decisions without concern for the consequences will now stay with him for the rest of his life. Shawn acknowledges and is fully aware that what he did was wrong and shows remorse for his actions. My trust in Shawn is broken and he must earn it back. Nevertheless, I will always stand by Shawn and support him in any way on his path to recovery. His entire family supports Shawn now and will continue to do so in the future. We will all make sure that Shawn follows the rules given by his probation officer. We will also make sure that he will get the help and therapy he needs to live a normal and successful life again.

I believe in Shawn's capacity to be a successful member of society, most importantly he also believes in it. I understand that Shawn has pled guilty and am aware of the sentencing parameters you must rule within. Thank you for taking the time to read this letter and getting to know a different side of Shawn.

Sincerely,  
Tina Stone

Christopher Stone  
9814 187<sup>th</sup> St Ct E, Puyallup  
Washington 98375

Dear Honorable Judge Jones,

My name is Christopher P. Stone, and I am writing you on behalf of my son Shawn C. Stone. I am aware of the charges against him, but I would like to give you some insight about my son. Shawn is a loving, kind-hearted, helpful, and funny young man.

Shawn had a challenging childhood for multiple reasons. I was active-duty Army, and not home often due to a lot of deployments. I have moved our family across the world several times resulting in Shawn being placed into a new school every time. Shawn was a slow learner and was diagnosed with ADHD at a young age and needed an IEP for the better part of school. He needed special assistance with his schoolwork.

Shawn and I share some of the same interests. The first one is our fondness for Halloween. I like to decorate while Shawn liked to dress up and scare whoever walked by. Shawn learned to walk on stilts and would often incorporate them into the costumes he wore. The second thing we shared was our love and interest in the military. Shawn started his journey by joining JROTC in high school. He was on the fitness team where he became the team captain. This came to be because the chief in charge saw Shawn encouraging other team members and even running with them after completing his training. Shawn always wanted his team to succeed in every task. After high school graduation Shawn joined the Army Reserves. He went to and completed Basic Training and Advanced Individualized Training (AIT). This was a very proud moment for my wife and I. We were proud because he stuck to and completed the first steps of his goal to become a soldier. He was also able to come out of his shell by making new friends within his Army unit. Shawn was an outcast in most situations. His childish behavior kept him from making very many friends. The ones he did have he was very caring towards and kept them close. He would go out of his way to help anyone even if he didn't know them. If you needed someone to listen Shawn was the person to talk to.

Your honor, despite the evidence before you today I would like to remind the court that Shawn has never been in trouble before. After his arrest, Shawn told us how sorry he was for everything and expressed remorse. In a long and emotional message, he stated that he felt a sense of relief now that everything had come to light, and he no longer had any secrets from us. I would also like to inform the court of the loving and caring family support system that Shawn has at home. We are committed to working with the probation system to enforce the terms of probation.

My commitment and goal is to help Shawn in every way I possibly can to overcome this situation. We will help him seek counseling and programs to help Shawn reintegrate back into normal life. I am sure with the proper tools he will once again be a valuable member of society. I am confident that this situation will be one of the past and will not repeat itself again, but I assure the court that I will report any violations to the probation officer or the proper authorities.

Thank you for taking the time to read my character letter,

Christopher Stone



Melina Stone  
9814 187<sup>th</sup> St Ct E, Puyallup  
Washington 98375

Honorable Judge Jones,

My name is Melina Stone, and I am writing to provide a character witness statement on behalf of my younger brother, Shawn Stone, as he faces sentencing. I believe it is important for the court to understand the depth of his character and the circumstances that have led him to this point. First and foremost, I want to emphasize that my brother is genuinely remorseful for his actions. Since the incident occurred, I have seen him come to an understanding with the consequences of his behavior. He has expressed deep regret for the harm he has caused to others and to himself. Rather than deflecting blame or making excuses, he has taken full accountability for his actions.

My brother is not a person who shies away from responsibility. From an early age, he has always been willing to own up to his mistakes and learn from them. Despite the challenges he has faced, whether that be at school or in his personal life, he has consistently demonstrated resilience and a commitment to personal growth. Shawn always wanted to be and always has been the guy that you can count on for anything.

Growing up, my brother and I shared countless memories together. We might have had some moments in time where we fought but that is normal for siblings, but we have always been there for each other. My favorite memories with Shawn are usually from around Christmas time. Shawn and I have always had a secret battle of who could wrap the other person's gift harder. We would zip-tie presents shut, have duct tape or string around them, or wrap something small in an exceptionally large box filled with trash or something annoying. Every time I got to Shawn's present I would laugh because I knew something was up and that while it might look like a normally wrapped present it usually was not. Shawn just always wanted people to laugh. I have seen firsthand the kindness and compassion that Shawn has within him.

My brother was the one person I knew I could always talk to, and he still is. He listens without judgment, offering support and encouragement when I need it most. He always wanted everyone around him to have fun and laugh and that was just Shawn. He would always be there for anyone who needed a hand or a shoulder to cry on. His unwavering loyalty and love have been a constant source of inspiration in my life and has always made me want to be more like him in that aspect.

Despite the challenges he has faced, my brother has never lost sight of his values or his integrity. Since he was little, he always wanted to be a soldier so he could be the first to lend a helping hand to those in need, showing a genuine concern for the well-being of others. Shawn cares so deeply about our family and is very family oriented. Even in the time he has been gone he still is there for everyone and wants us to have a good time and live life. In every email we get from him, he writes "Stay safe, Stay happy, and Stay loving" because he wants us to continue living even while his life is on pause for some time.

I believe that in the aftermath of this situation, my brother will take proactive steps to address his behavior and make amends. He will have a support system at home that he can count on, including our parents, friends myself, and our brother. He will also engage in any programs or other resources seen fit to give back to those affected by his wrongdoing.

In closing, I urge the court to consider the entirety of my brother's character and the circumstances surrounding this case. While he may have made a big mistake, he is more than the sum of his actions. With the proper guidance and support, I believe he has the potential to make meaningful contributions to society and to lead a fulfilling life.

Thank you for considering my statement.

Sincerely,  
Melina Stone

Keenan Stone  
9814 187<sup>th</sup> St Ct E, Puyallup  
Washington 98375

Honorable Judge Jones,

I am writing this character witness statement to you as Shawn's little brother, Keenan. Throughout our lives, Shawn has been someone I have confided in, discussing either my personal struggles or about life in general. Shawn has accomplished a few things in his life so far, most notably his service in the military, which helps show his dedication and commitment to making a positive impact in other people's lives. Shawn and I have always bonded over many different things such as video games, YouTube, cars and so much more. I am deeply saddened by the fact we won't be able to bond over these things for quite some time.

Shawn has always had a remarkable ability to uplift others, even if it meant making a fool of himself. His compassionate nature and concern for others have always been clear as Shawn wore his heart on his sleeve. When we all learned about his situation it deeply disappointed our family. We visit Shawn every weekend. During our visits if the topic of his case comes up, Shawn expresses genuine remorse and is sincerely apologetic for his actions. Nonetheless, we have continued to show Shawn our unwavering support during this tough period, and we are determined to continue doing so.

I hope that Shawn can find a path forward from this and gain the opportunity to rebuild his life. Thank you for reading my letter about my big brother.

Sincerely,  
Keenan Stone

Mary Stone

235 Spargo Place

Wilmington, NC 28409

4/24/2024

Dear Judge Jones,

It is with great pleasure that I write this letter of character witness for Shawn Christopher Stone. He was my husband and I first Grandson. His middle name is after his Dad, our son. Shawn is one of life's greatest gifts! After his grandfather's passing Shawn chose to follow his fathers footsteps and was sworn into the military. Taking the Army Reservist Oath. Shawn was trained and prepared to do anything that was assigned to him, despite obvious dangers.

Before that Shawn was a kid. He was always happy and friendly. He exhibited curious and courteous behavior. Shawn has a great sense of humor. He learned to walk on stilts for the purpose of entertaining others. He has a pure loving spirit.

He engaged with curiosity and keen interest. His entire school performance thru High School graduation was difficult but he persevered, Shawn earned his High School diploma with good standing.

Shawn displayed a source of comradery first with his sister and brother, his classmates and then with his unit buddies.

It troubled and surprised me to the point of shock about Shawn's current case as I stated he has never been in trouble. He has always been a solid person.

It is my hope you take note of my character letter of Shawn. I believe he would excel being trustworthy and turn out to do and be his best.

While it is unfortunate that Shawn has made some bad choices ,thus resulting in this case and I was surprised to hear of this misconduct ,it comes at no surprise that Shawn would take responsibility for his actions. I believe as he moves forward he will emerge a better person! He has expressed his deep sense of remorse in making such a serious act. I believe in his ability to pay his debt to those he hurt and to society.

It is my sincere hope that this court takes this letter into consideration at the time of sentencing. I still believe Shawn Christopher Stone to be an honorable individual, a very valuable member of my family, the community and a good human being!

Sincerely,

Mary Stone

(Shawn's Grandmother)

Dear Judge Jones,

We are Shawn Stone's grandparents, Karin and Josef Maehringer who reside in Germany.

Despite the long distance between the United States of America and Germany, we have always had a close relationship with Shawn, which we are still holding on to (we communicate via phone with him regularly). Ever since his family moved to the States in 2012, we would visit each other every summer and talk on the phone weekly. We have always supported Shawn as much as possible and appreciate him as a loving and kind grandson. Shawn always stood out as the one with the biggest heart out of our nine grandchildren. We remember him being an easy-going child who has remained thoughtful, loyal, and very caring towards us over the years. He would constantly assist his Oma (German nickname for grandmother) and help her get around places when she struggled to walk. Since he was a little boy, he would sing "Oma so lieb" ("Grandma so dear" by Heintje) to her and dance with her to the song in her kitchen which has turned into a memory they both cherish dearly.

We were shocked and deeply saddened by the news of his arrest and the accusations made against him. He certainly has to bear the consequences of his actions. Shawn is aware of that and has expressed deep remorse for his actions.

Karin (Shawn's Oma) had been diagnosed with breast cancer and underwent surgery on her heart last year. Going not only through chemo and additional treatments but also the emotional stress and heartache for Shawn has been very hard on her. Her biggest wish to being able to see Shawn in person and hold him in her arms again one day helped her pushing through those challenges.

Above all, we hope he will get a chance to integrate back into a "normal" life with the help of reintegration programs similar to the ones offered here in Germany. Equipped with a strong work ethic and desire to help, in addition to his reserved appearance and generosity, there should be a chance for Shawn to live an obedient and respectful life in the future. We will always be there to support him in any way possible along the way and make sure he is getting the help and guidance he needs to accomplish it.

Sincerely,

Karin and Josef Maehringer

Honorable Judge Jones:

Good day!

I am writing this letter on behalf of Shawn Stone, who is set to appear before your court. I understand the charges brought against him, but I feel strongly about the goodness of his character.

Shawn has been my best friend since seventh grade. I'm 22 now, and we've been friends for almost a decade. Shawn has always been a true friend, he's been there when I've needed him most, and he is always willing to lend a shoulder.

Shawn genuinely feels remorse for his actions, and I am confident that he will make every effort to ensure that he does not repeat them in the future. I truly believe his addiction to the type of material that has landed him in this situation has taken a toll on his life that even he wasn't willing to admit. I believe all of us that love him wish we could've seen his issues and helped him before he fell into this, and wish he would've spoken up.

Shawn took me into his family, and they accepted me as their own when mine turned me away. They gave me a home when I needed it most. Shawn is a very family-oriented young man, and he cares very deeply for the people close to him. He was always by my side, and always seemed to be in a cheery mood. He loves making people laugh. Every Halloween he dresses up in the craziest costumes and stilts, and it makes everyone's holiday to see it every year.

I am genuinely concerned for his future, as I'm sure he is too. Shawn and I both joined the army after high school, and he had the merit and the desire to always do the right thing. He always wanted to be a kind person and a good son, good soldier, and good friend. The complications of his actions has caused him to lose the career he had dreamed of since he was young. He understands that he will never be allowed to pursue that dream now, but knowing him, he will find a new dream. I respectfully request that you consider my application before you make a decision. Thank you for your time and consideration.

Respectfully,

Layne Young

Baleigh Anderson  
20428 86<sup>th</sup> Ave Ct E, Spanaway  
Washington 98387

Honorable Judge Jones,

My name is Baleigh Anderson I am writing this character witness statement on behalf of Shawn Stone I have known Shawn for 4 years now.

When I think of a person's character a few thoughts run through my mind. How they treat others and what kind of person they are in the world.

I met Shawn back in 2020 and he was one of my favorite people in the world. Shawn seamlessly fit into the role of the annoying little brother as I began to date his older sister. As time went on, I got to see the dynamics in his family and saw how vital he was to his home and family life.

I spent time with Shawn and realized he is a sweet, kind, and caring person. He is kind in a way that you cannot put into words—always having a good attitude and looking for the good in bad situations. If I was feeling down, he would notice and genuinely ask if I was okay. Even if I did not want to talk, he would sit with me, so I knew I was not alone. Shawn is one of the friendliest people I have met, even to a fault. He tried to see the good in people and would move mountains to brighten someone's day or make you laugh. Shawn put the needs of others before his own and with a smile.

One time he decided to tag along on a grocery store trip, the store was packed, the aisles were full, and people were everywhere. I was frustrated and standing in one spot trying to calm myself down and not be overwhelmed. Suddenly, Shawn starts placing items into my cart. It was like a miracle at that moment. I was shocked and he just continued down the list completely unbothered or affected by the chaos that surrounded him. At that moment I realized I loved him like a brother. I think of him every time I am there. He is the best brother I ever asked for and someone I strive to be more like when it comes to kindness and patience. Never in a million years could I have imagined we would be in this situation. Shawn is someone I care for dearly and will miss.

Thank you for considering my letter when deciding his sentencing. I also want to add that Shawn will be fully supported by myself and his family upon his release.

Thank you,  
Baleigh Anderson



Justin Ericson  
118 W. Pedregosa Street  
Santa Barbara, CA 93101

May 24<sup>th</sup>, 2024

United States Courthouse  
700 Stewart Street, Suite 13128 Seattle,  
WA 98101-9906

Re: Character Letter

To the Honorable Judge Richard A. Jones:

Thank you for the opportunity in me writing this letter on behalf of my friend and former coworker, Shawn Christopher Stone. I had the privilege of working with Shawn back in 2021 at Costco Wholesale in Puyallup, WA. He was always a pleasure to work with.

Sometimes we would work in the food court together while other times it would be different departments at times crossing each other's paths during those shifts. His devotion to making Costco shine brighter as a company was evident with how he would assist our members in going the extra mile, giving them a better shopping experience. I recall having received a personal compliment from a member he was assisting who was handicapped. She came up to me as I was coming back from taking out the trash and she expressed how grateful she was that Shawn offered to get her condiments, a soda and some napkins for her meal. She further went on to say that he saved her "a lot of time." He was an asset for us while still employed, also a potential in being nominated as employee of the month.

Aside from working with him, I got to know who he was outside work as well with our many conversations that took place outside the workplace. I found Shawn to be sincere, loving and caring for not only his family but also his friends, alike. If there was someone in his circle that needed him, he would be there, even if it meant just being there to listen to them. His positivity I feel really spoke to me and the many others on a personal level that was positive. And I always had a sense of him being genuinely good.

Ever since the news and things unfolded for him to a personal ground level, I concur with him that he needs to get treatment to help divert him from this behavior that got him in trouble with the law. Any crime against a child can be psychologically damaging for them and could potentially harm the child, physically. With that said, a long-term incarceration for him would delay his mental health. It's important he seeks reliable therapists who can cater to his particular level of sex offender treatment. Though there are a couple of different programs, the prison system is not yet attacking this issue for this minute fraction of the prison population compared to the classes and programs for alcoholism, anger management and domestic violence. Sex offenders have an extremely low rate of reoffending and many do not go beyond the visual scope of the crime, while I do acknowledge that we read the news of the complete opposite happening where an individual has hands-on offenses with a minor, which is heartbreaking.

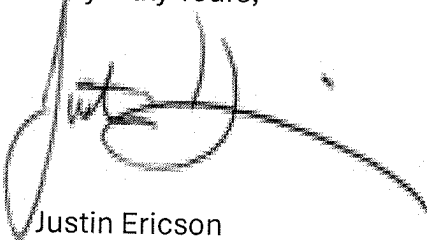
With that said, Mr. Stone truly regrets all that has happened to him in the last couple of years. He now recognizes that some of the choices that he has made have been ill-chosen. Aside from his heightened sense of self-determination and motivation over the phone and in email, I have the utmost confidence he wouldn't ever be doing anything along those lines ever again, even recording adult pornography. He just doesn't have a desire anymore knowing how much of a toll this has already been on him and we both know that it's a terrific first step in bearing the heaviness of guilt that has caused not only his life but those around him. He would be a proper member of society, aligning with weekly therapy and a superb support system as he now has to address these issues when his second chance begins with your Honor's decision, respectively. Shawn sees himself post-prison not ever to repeat anything that he has done to get him there now. Fortunately, he has expressed to me and others an exorbitant amount of remorse for what has caused his incarceration as I have already stated above.

Here is a man who proudly and faithfully served our country who did commit a crime and was fairly punished for but the good news is that he is on the right path and will continue this path better outside of prison by getting a therapist and group he can see once or twice a week. He sincerely regrets his mistakes and how stressful of a transition it has been for himself and his immediate family, specifically. My hope and prayer is that the courts will take this into consideration as a decision is made. His charge of Production of Child Pornography is truly most unfortunate, yet the silver lining is that a repeat of this isn't in his deck of cards as he remains determined to get the help he needs.

As a judge, your unique position is to continue to protect the community while having the opportunity in every case to look deeper beyond the surface. Like all you have had before and will continue to have, this one is another one of those cases. With all of this said, we trust you to be fair and appreciate your time in this case for Shawn. My regret is that you have never met him. Aside from this mental disorder, he is an all-around terrific person.

Again, I want to thank you for your time in reading my letter and all that you do to help aid a safer community with appropriate and respected sentences to your defendants. I have no doubt you make your county and community a safer space and that is to be commended. Should you have any questions, my phone number is 805.284.1866, thank you so much for your time.

Very Truly Yours,

A handwritten signature in black ink, appearing to read 'Justin Ericson', with a large, sweeping flourish extending to the right.

Justin Ericson

Your Honor,

Shawn was always a very kind young man to me, and he worked hard in my classes. Shawn was the student that I could depend on to help others. I and do his own work. I always got the impression that Shawn wanted to be successful. He often talked about his hopes for a career in the military. I am very sorry to hear that things are not going well for him. Shawn also liked to share stories about his life and I still have the ornament he bought for me when he went to visit his grandparents in Germany. I think of him every time I hang it on my Christmas tree each year.

As a person, Shawn always seemed happy and had a great sense of humor. At that time, I would have highly recommended Shawn for anything. He was a kind, polite boy that strived to do the best he could. Shawn had difficulties due to his ADHD. It was hard for him to focus and this, along with his deficits in reading and writing, made school a challenge. I was very happy with the progress Shawn made in the 3 years he was in my classes. He seemed happier and was looking forward to the challenges of high school and beyond.

Shawn came to visit me a couple of times after he moved on to high school. I was very happy to see him.

I hope this helps in some way,

Janet Foster  
SPED teacher, Stahl Jr. High



Shawn Stone  
Summer, 2019  
Photos taken in Germany.

